

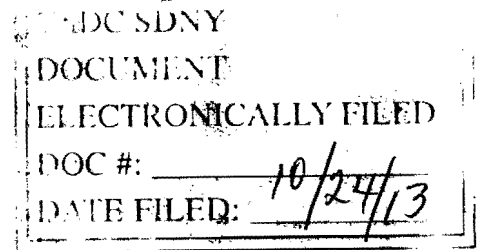
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

— against —

BYRON ESTRADA, ET AL.,

Defendant.



S10 12 Cr. 859 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

The Government (see attached letter) has requested that the pretrial conference in the above-captioned case scheduled for October 25, 2013 be adjourned until November 8, 2013 at 1:30 p.m., and further requested an exclusion of time from Speedy Trial Act calculations through November 8, 2013 to allow the parties additional time to discuss dispositions of the charges with respect to several of the defendants.

It is hereby ordered that the pretrial conference scheduled for October 25, 2013 will be adjourned until November 8, 2013 at 1:30 a.m. and the adjourned time shall be excluded from speedy trial calculations. This exclusion is designed to guarantee effectiveness of counsel and prevent any possible miscarriage of justice. See 18 U.S.C. § 3161 (h)(7)(B). The value of this exclusion outweighs the best interests of the defendants and the public to a speedy trial. This order of exclusion of time is made pursuant to 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED:

Dated: New York, New York
23 October 2013

A handwritten signature in black ink, appearing to be "Victor Marrero".

Victor Marrero
U.S.D.J.

**U.S. Department of Justice**

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 23, 2013

BY FACSIMILE

Honorable Victor Marrero
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: **United States v. Byron Estrada, et al.**
S10 12 Cr. 859 (VM)

Dear Judge Marrero:

A pretrial conference is scheduled in the above-captioned case was scheduled for this Friday, October 15, 2013. The Government is involved in ongoing discussions with counsel for the defendants regarding a pretrial disposition of the charges in this case, and is in the process of scheduling several guilty pleas over the coming weeks. Accordingly, based upon those discussions, as well as the Court's availability, the Government respectfully requests that the conference scheduled for this Friday be adjourned until Friday, November 8, 2013 at 1:30 p.m.

In addition, the Government respectfully requests, on consent of the defendant, that time be excluded under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), through November 8, 2013, the date of the next pretrial conference. The exclusion of time will allow the Government and counsel for the defendants to continue discussions regarding a potential pretrial resolution of the charges in this case, and allow for the defendants to continue to review discovery and consider potential pretrial motions.

The Government has contacted counsel for the eight defendants remaining in the case. Six of the eight defendants, through counsel, have indicated the he/she consents to the exclusion of time until November 8, 2013. The Government has not received a response from Glenn Garber, Esq., counsel for defendant Elie Marcelin, or Lawrence Dubin, Esq., counsel for

Honorable Victor Marrero
October 23, 2013
Page 2 of 2

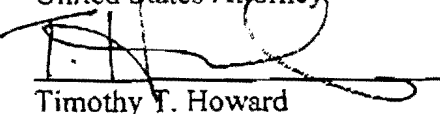
defendant Jose Luis Avendano regarding their possession on the Government's application to exclude time through November 8, 2013.

Please do not hesitate to contact me should you have any questions. A proposed Order is attached for the Court's consideration.

Respectfully submitted,

PREET BHARARA
United States Attorney

By:


Timothy T. Howard
Christopher J. DiMasc
Assistant United States Attorneys
Southern District of New York
(212) 637-2308/2433

cc: Sam Talkin, Esq., counsel for Denna Salmon (by electronic mail)
Angelo Roberto Picerno, Esq., counsel for Restrepo-Hoyos (by electronic mail)
James Lisa, Esq., counsel for Restrepo-Hoyos (by electronic mail)
Cesar de Castro, Esq., counsel for Sebastian Zulcta-Palaez (by electronic mail)
Irving Cohen, Esq., counsel for Jean Carlos Pineda-Zapata (by electronic mail)
Glenn A. Garber, Esq., counsel for Elic Marcelin (by electronic mail)
Daniel Parker, Esq., counsel for Elic Marcelin (by electronic mail)
William J. Stampur, Esq., counsel for Edson Rodriguez (by electronic mail)
Lawrence Dubin, Esq., counsel for Jose Luis Avendano-Osorio (by electronic mail)

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

- - - - -X
 :
 UNITED STATES OF AMERICA : ORDER
 :
 -v.- : S10 12 Cr. 859 (VM)
 :
 BYRON ESTRADA, et al., :
 :
 Defendants. :
 - - - - -X

Upon motion of the Court, with the consent of all parties, it is hereby ORDERED that the pre-trial conference in the above-captioned case is continued from October 25, 2013 to November 8, 2013 at 1:30 p.m..

The Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the defendants in a speedy trial, because it will permit defense counsel to continue reviewing discovery materials, and will allow the parties to engage in ongoing discussions regarding a possible disposition of the case. Accordingly, and with the consent of all parties, it is further ORDERED that the time between October 25, 2013 and November 8, 2013 is hereby excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), in the interests of justice.

Dated: New York, New York
 October __, 2013

 THE HONORABLE VICTOR MARRERO
 UNITED STATES DISTRICT JUDGE